

Application No. 09/838,745  
Amendment "B" dated August 15, 2005  
Reply to Office Action mailed June 15, 2005

### REMARKS

The Final Office Action, mailed June 15, 2005, considered and rejected claims 1-60 under 35 U.S.C. 103 (a) as being unpatentable over Bellwood in view of the article by Network World.<sup>1</sup>

By this paper, each of the independent claims (1, 14, 27, 35 and 48) have been amended to more clearly recite how a first secure connection between a client and a proxy is downgraded to be an insecure connection prior to establishing a second secure connection, which comprises an end-to-end connection between a client and a server through the downgraded insecure connection.

As previously discussed with the Examiner, the primary reference Bellwood clearly fails to disclose the downgrading of a first secure connection to be an insecure connection. The Examiner states in the last action that "Bellwood does not expressly disclose downgrading the secure connection between the client system and the proxy system to be insecure after the secure end-to-end connection is established." Applicants further submit that Bellwood does not disclose downgrading a first secure connection between a client and proxy, in any way, particularly in which a secure second connection between a client and a server is encapsulated within the first insecure connection, as claimed.

In fact, to the contrary, Bellwood appears to suggest that although two secure connections are established, a first one between the client and a proxy and a second one between the client and the server, that it is the second connection that is apparently downgraded, if either are, by providing the master secret of the second secure connection to the proxy so that the proxy can become an active proxy and modify the communications between the server and the client. Col. 5, ln. 30- Col. 6, ln. 19. It will be noted that this is in direct contrast to the presently claimed embodiment in which the proxy does not encrypt or decrypt the communications between the

---

<sup>1</sup> Although the previously cited Stallings was not specifically identified as being used to support the rejections in the latest office action, Stallings was still referenced in the detailed reasons for rejecting the claims (see rejections on Page 5 of the OA). Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

Application No. 09/838,745  
Amendment "B" dated August 15, 2005  
Reply to Office Action mailed June 15, 2005

client and the server, and wherein the secure client-server connection is encapsulated within the first insecure connection.

The Examiner has cited a new reference, Network World, as purportedly disclosing "a proxy system that can switch [a mode] of the encryption." OA page 3. However, Applicants respectfully submit that even though Network World appears to suggest that a secure connection can be apparently downgraded, there is nothing to suggest that such downgrading would occur only after authenticating the client, as claimed, or that a secure connection is encapsulated within an insecure connection.

Instead, the Network World article merely states "For all of the products, once a secure channel is established, encryption happens unless you turn it off or a certificate is revoked." Accordingly, there is nothing to support an assertion that a first secure connection is downgraded only after authenticating the client and prior to establishing a second secure connection within the first downgraded connection, as claimed. This is particularly true when considering that the secure connection between the client and the proxy systems is downgraded to be an insecure client-proxy connection prior to establishing the secure end-to-end connection between the client and server systems, and such that the secure end-to-end connection is encapsulated within the insecure client-proxy connection, and such that the proxy server does not encrypt or decrypt any data sent between the client and the server within the insecure client-proxy connection.

Accordingly, it is plainly clear that the art of record, alone and in combination fails to disclose or suggest each and every claim limitation, thereby failing to satisfy the burden required to establish a *prima facie* case of obviousness.

Applicants would also like to point out, that since some of the Examiner's rejections have appeared to rely on assumptions that the claim invention would be obvious simply because Applicant's invention might be possible in view of purported teachings of the art, that this line of reasoning is flawed. In particular, Applicants would like to remind the examiner that the simple fact that something may be possible, does not make it obvious. In particular, the "FACT THAT THE CLAIMED INVENTION IS WITHIN THE CAPABILITIES OF ONE OF ORDINARY SKILL IN THE ART IS NOT SUFFICIENT BY ITSELF TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS." MPEP § 2143.01. This is true even all of the elements are taught by the cited art, which they clearly aren't in this case, as mentioned above.

Application No. 09/838,745  
Amendment "B" dated August 15, 2005  
Reply to Office Action mailed June 15, 2005

Furthermore, Applicants also point out that with regard to any art or official notice that might be combined by the Examiner in any future rejection of this case, that the motivation for making such a combination must come from the references themselves, not the Applicant's own application, otherwise such a combination represents impermissible hindsight. In particular, as stated by the MPEP § 2143, "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in application's disclosure." MPEP 2143. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991)(emphasis added).

In view of this, Applicants also disagree with the examiner's assertion that there would be a motivation to combine the references to provide greater computational power of the proxy to communicate with the server, particularly in view of the teachings of the cited art. In particular, there is nothing in the art that would suggest that a proxy would have improved computational power to communicate with the server by downgrading a first secure connection between a client and the proxy, particularly when considering that said downgraded communication encapsulates a second secure connection within the first downgraded connection, as claimed. In fact, to the contrary, it could be argued that encapsulating the second secure connection within the first insecure connection actually restricts the proxy's capability to communicate with the server. Accordingly, if the Examiner wishes to maintain this line of reasoning, Applicants respectfully request that the Examiner provide a reference to support the assertion that improved computational power for a proxy to communicate with the server is derived from downgrading a communication line between a client and the proxy.

In summary, the fact that all of the recited claim elements are not taught by the prior art and because there is no motivation provided in the prior art for combining the teachings that are disclosed, Applicants respectfully submit that the pending claims are allowable over the art of record.

Although the foregoing remarks are primarily directed to the independent claims, it will be appreciated that the dependent claims should also be found allowable over the art of record for at least the same reasons. Accordingly, it is not necessary to individually address the rejections to each of the dependent claims at this time. Nevertheless, it will be noted that some of the elements of the dependent claims have also not been fully addressed by the Examiner in making the rejections. For example, with regard to claim 9, the cited disclosure does not make any reference to a null cipher, which is required by the claims. Other specific rejections and

Application No. 09/838,745  
Amendment "B" dated August 15, 2005  
Reply to Office Action mailed June 15, 2005

assertions will not be addressed at this time, as it is not necessary. But, Applicants reserve the right to do so in the future.

In view of the forgoing, Applicants respectfully submit that the pending claims are neither anticipated by, nor made obvious by the art of record, either singly or in combination. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15 day of August, 2005.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant

Customer No. 47973

RDN:JCJ:ppa  
W:\13768\160PPA000000416V001.DOC